

ORIGINAL

FILED

March 2 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Attorneys for APPELLANT

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE
STATE OF MONTANA

LARRY DIMARZIO,

Appellant,

v.

CRAZY MOUNTAIN CONSTRUCTION,
INC., a Montana corporation, F.L. DYE
COMPANY, a Montana close
corporation, HEATING, BRIDGER
GLASS & WINDOWS, INC, a Montana
corporation,

Appellees.

Cause No. DA10-0097

NOTICE OF APPEAL

NOTICE is given that Larry DiMarzio, the Appellant above-named and who is the plaintiff in that cause of action filed in the Eighteenth Judicial District Court in and for the County of Gallatin, as Cause No. DV 04-596, hereby appeals to the Supreme court of the State of Montana from othe final judgment entered in such action on the 3rd day of February, 2010.

THE APPELLANT FURTHER CERTIFIES

1. That this appeal is subject to the mediation process required by M.R.App.P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).

3. That the notice required by M.R.App.P. 27 is not applicable because there is not a constitutional question being raised in the appeal that would require such notice.

4. That the transcript of the trial in this case has been ordered from the court reporter contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute.

Dated this 1st day of March, 2010.

KASTING, KAUFFMAN & MERSEN, P.C.



JOHN M. KAUFFMAN, Attorney for
Appellant Larry DiMarzio

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, [X] by U.S. Mail at following addresses:

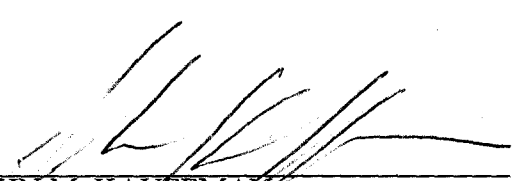
Dated this 1st day of March, 2010.

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